

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38267 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- BELDOUR District- Khagaria

1. Sunil Yadav Son Of Bijendra Yadav Resident Of Village And Post - Kainjari, P.S.- Beldaur, District - Khagaria
2. Bijendra Yadav Son Of Late Bisho Yadav Resident Of Village And Post - Kainjari, P.S.- Beldaur, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Makardhwaj Upadhyay
For the State	:	Mr.Navin Kumar Pandey
For the Informant		Mr. Mrityunjay Kumar
		Mr. Umesh Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 04-05-2023 Heard learned senior counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 307, 385, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act and subsequently Section 302 of the IPC has been added.

Petitioners along with other accused persons are said to have assaulted the informant and his family members, as a result of which, the brother of the informant died during course of treatment.

Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. He submits that there is case and counter case between the parties. He submits that though there is allegation against the petitioner no. 1 that he fired upon the deceased but the postmortem report has not supported the prosecution case. He submits that occurrence took place on 06.06.2021 but the FIR has been lodged on 10.06.2021 after delay of 4 days without explaining any reasonable cause of delay. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State and learned counsel for the informant oppose the prayer for bail and submit that the petitioners are also involved in the present case.

Considering the facts and circumstances of the case and the fact that the postmortem report has not supported the prosecution case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Beldaur P.S. Case



No. 115 of 2021, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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